

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **PLANNING COMMISSION MEETING**

3
4 **Wednesday, August 1, 2007**
5 **7:00 p.m.**
6 **Cottonwood Heights City Council Room**
7 **1265 East Fort Union Boulevard, Suite 250**
8

9
10 **ATTENDANCE**

11
12 **Planning Commission Members:**

13
14 J. Thomas Bowen, Chairman
15 Geoff Armstrong
16 JoAnn Frost
17 Jerri Harwell
18 Amy Rosevear
19

20 **City Staff:**

21 Michael Black, Planning Director
22 Glenn Symes, Associate Planner
23 Shane Topham, City Attorney
24 Sherry McConkey, Planning Coordinator
25

26
27 **Excused:**

28
29 Doug Haymore
30 Jim Keane
31 Gordon Nicholl
32 Sue Ryser
33

34
35 **WORK SESSION**

36
37 The Commissioners were in Work Session from 5:45 to 7:00 p.m.

38 *Commissioner Frost moved to close the work session. Commissioner Armstrong seconded the*
39 *motion. Vote on motion: J. Thomas Bowen-Aye, Geoff Armstrong-Aye, JoAnn Frost-Aye,*
40 *Jerri Harwell-Aye, Amy Rosevear-Aye, The motion passed.*
41

42 **REGULAR MEETING**

43 Chairman J. Thomas Bowen called the meeting to order at 7:00 p.m. He remarked that five
44 Commission Members were present four votes would be required to approve or deny an
application.

45 **1. Public Comment.**

46 There were no public comments.

1 **2. Continued - Action Item – Zone Change – Joseph Scott.**
2

3 (19:01:29) Associate Planner, Glenn Symes, presented the staff report and stated that staff had no
4 new information to provide. He explained that the item was continued from the July 18 meeting
5 because of a tie vote. The request was to rezone six properties from R-1-8 to R-2-8. The
6 General Plan designation for all of the properties was medium-density residential, which would
7 include the R-2-8 zoning.
8

9 The applicant, Joseph Scott, gave his address as 7734 Brighton Way. He identified himself as
10 the owner of two properties on Bengal Boulevard. He was unsure at this point what the City
11 wanted. He thought he knew, however, the wishes of the City Planners. The first time he met
12 with the Commission they talked about access to the lots behind his property. The second time,
13 the Commission asked Mr. Scott why he included all of the properties in his request. He was
14 advised to by staff and acted on the belief that it would help get the request approved.
15

16 In addition to the properties he did not include, all of the properties were either duplexes or
17 residences with basement apartments. Previously they discussed the 25-foot right-of-way and
18 whether it would be ample for Mr. Taggart and his future plans, which were 10 or 15 years down
19 the road. Mr. Scott had since discovered that because he owned less than three acres, the
20 ordinances had been changed to require a 50-foot right-of-way with curb, gutter, and sidewalk
21 and a 110-foot turnaround. He was trying to understand that after spending the last week driving
22 around the City looking at the properties. He found that at least 35 properties were similar to his,
23 all with driveways of 20 feet or less. The difference he found was that they were all high-end
24 homes with none listed for sale. He was trying to do the same thing with four buildings.
25

26 (19:07:09) Mr. Scott remarked that Cadens Cove opened up onto Fort Union Boulevard and
27 measured 17-feet 3-inches from the edge of the asphalt to the telephone pole. He described it as
28 a 200-foot long road servicing 11 future homes. That didn't make sense to him.
29

30 Mr. Scott stated that at the next meeting they discussed business agreements. The matter was
31 postponed while the City Attorney determined whether the City could enter into business
32 agreements with developers. Mr. Scott was told he would get an answer but never did and the
33 matter was never discussed again. At the last meeting he was told that if he dropped Taggart, he
34 would probably be granted approval since that seemed to be what was holding him back. As a
35 result, he dropped Taggart before the meeting. During the meeting neither rights-of-way nor
36 Taggart were discussed. The question became whether to hopscotch various zones. He believed
37 if the City were not going to hopscotch R-2 and R-1, they should obviously be R-2. He
38 explained that because the preponderance of homes was R-2 rather than R-1, they consisted
39 mainly of duplexes and homes with apartments.
40

41 Mr. Scott thought the question was whether to put Taggart back into the mix or pull the other
42 three buildings out and ignore Laura Fuller's concerns about short-term rentals. He thought it
43 was obvious that the Commission perceived that to be a problem. He was unsure how to
44 proceed. He remarked that he had been involved in the process for the past two years. When he
45 first approached the City he was told that there was no way Planning Director, Michael Black,
46 would consider changing the General Plan because the brochures had just been printed. After

1 more people identified problems, the General Plan was changed. Mr. Scott thought he had done
2 everything he was asked to.

3
4 (19:11:25) Chair Bowen thought most of the Commissioners felt comfortable with Mr. Scott's
5 parcel. He was not comfortable, however, with the other three properties and did not see how
6 they related to the application. He also did not see how there would be any benefit to the City to
7 rezoning them R-2. Two weeks earlier the applicant was given the option of going alone or
8 keeping the properties together. Mr. Scott decided to keep the properties together. Chair Bowen
9 thought Mr. Scott had that same option tonight. Mr. Scott stated that he would like to amend his
10 application to exclude 3325 and 3309 East Bengal Boulevard, and 7787 Mountain Estates Drive.
11 The three properties that would remain would be Mr. Scott's two pieces of property and Dave
12 Draper's property.

13
14 Chair Bowen realized that some of the properties had existed for a long period of time. The City
15 realized there were some PUDs on fairly small parcels that historically had had problems with
16 homeowners' associations. The Commission decided to limit PUDs to parcels of property of at
17 least three acres. The Commission was trying to develop some consistency. He stated that a lot
18 of what they were doing involved infill.

19
20 Commissioner Frost asked Mr. Scott what his intent was with the twin homes. Mr. Scott
21 responded that he planned to live in one unit and Dave Draper planned to live in another. There
22 would be a possible sale of the sixth. He did not intend to own and rent. The dwellings would
23 be condominiums that would be professionally landscaped and maintained.

24
25 (19:15:49) Chair Bowen opened the public hearing.

26
27 Mr. Black stated that there had not been an official acceptance of the amendment to the
28 application. Chair Bowen suggested that be done formally at the conclusion of the public
29 hearing.

30
31 (19:16:54) Laura Fuller had gotten to know Mr. Scott and believed he was a man of his word.
32 She felt mistreated and identified her home on the map. She watched carefully what went on at
33 the house because she had just obtained it the previous January. She wanted to be able to rent
34 the property sometimes but also have it available for her family as well. She thought the zoning
35 should be R-2. She stated that she would properly maintain the property and not let it fall into
36 disrepair. Chair Bowen explained that the home could be rented, just not on a short-term basis.
37 He clarified that it could be rented for 30 or more days. Ms. Fuller stated that a lot of the homes
38 in the area had apartments that were being rented for short periods of time. She thought it was
39 more important that she oversee what takes place at the home and ensure that it is taken care of.

40
41 Chair Bowen stated that one of the problems in the area was that there were a lot of illegal
42 apartments. Ms. Fuller realized that and thought she was being punished for trying to be legal.
43 Chair Bowen stated that some of the dwellings were in the County and others were legal when
44 they were built. Later the zoning changed making them non-conforming uses. One of the things
45 the Commission struggled with was whether to take the uses and make them legal or try and deal
46 with the situation recognizing there was a problem and that the solution may not be to legalize a

1 lot of the existing structures. The City Council would make the final determination as to whether
2 to enforce the ordinances in place. That was not the role of the Planning Commission.

3
4 (19:22:35) Raelynn Swenson stated that when she became aware of tonight's proceedings she
5 sent a letter to her neighbors to inform them of what was happening. Most of the people in the
6 audience were opposed to what was being proposed. She had in her possession 13 letters from
7 people who were in opposition. 17 others signed a letter of opposition. She believed there were
8 very good reasons why they believed what was proposed was a poor idea. They did not wish to
9 see twin homes go up in the area. The existing twin homes turned out to be a bad idea and most
10 were not cared for.

11
12 Ms. Swenson received a letter from a real estate agent who confirmed the direct and adverse
13 affects of short-term rental properties on single-family home values. She remarked that the
14 home owned by Ms. Fuller was located in an area with covenants in place prohibiting rentals.
15 She was aware of illegal apartments in the area and was opposed to them. She did not want any
16 more twin homes built and expressed opposition to having the properties rezoned.

17
18 (19:31:25) Bob Brown a 35-year resident, had watched the area change over the years. At one
19 time the whole area was zoned for duplexes. When the County saw what was happening, they
20 decided to down zone the entire area to R-1. A lot of what was being discussed existed prior to
21 the down zoning. All of the neighbors supported the down zoning because they didn't want
22 more duplexes. He did not want more duplexes to be allowed or to create a problem similar to
23 the one that existed on Chadbourne. The purpose of the down zoning was to make the area more
24 stable.

25
26 Mr. Black wanted to avoid holding another hearing on the matter since items discussed by the
27 public tonight had been addressed by staff previously. On another occasion he was asked to
28 compare police information with this area and others of comparable densities. He found that the
29 density did not necessarily bring the crime and that it was based more on when the homes were
30 built, how much they were renting for, and who was renting them. He viewed economics as the
31 determining factor rather than density. He remarked that the homes Mr. Scott was proposing
32 would sell for well over \$500,000 each. He viewed that as much different than the situation on
33 Chadbourne. He stated that there had been an airing of the same issues in the past. He was
34 concerned that assumptions were being made without all of the facts.

35
36 Ms. Swenson stated that most of the citizens present were not informed of the situation prior to
37 Monday evening. They were now here all here en masse to express their disapproval.

38
39 (19:35:42) Rajeane Higginson a Deer Creek Road resident, had lived in the area for about 10
40 years. They had invested a lot in their home and liked the City and planned to stay. She wanted
41 to see a rendering of Mr. Scott's plan. She asked why condominiums were proposed rather than
42 single-family homes.

43
44 (19:37:39) Rob Gillespie, a Deer Creek Road resident, expressed opposition to twin homes. He
45 was concerned about the proliferation of illegal rentals and problems similar to what existed on
46 Chadbourne. He recommended Mr. Scott build a single-family home instead and put the same

1 type of quality on the lot. He believed the property values would go up if the community
2 supported him. Chair Bowen stated that today, no one would build a single-family home on
3 Bengal Boulevard because of the traffic. Mr. Gillespie suggested the home be situated to back
4 the Boulevard.

5
6 (19:40:14) Lisa Holtan reported that she lived east of Mr. Scott's property. She was not
7 necessarily for or against what was proposed and wanted to know more about what the
8 development would look like. She wanted to do what was best for the community but also look
9 out for what was best for her and her family. She wanted to know more about the density as
10 well. Chair Bowen stated that at the last meeting there was discussion about whether the
11 neighbors could put their lots together and do something. Ms. Holtan reported that no one ever
12 approached her. Chair Bowen responded that the belief was that she was not interested. He
13 thought it would have been nice if she had gotten involved earlier.

14
15 (19:43:15) Tom Taylor stated that he lived two blocks south of the proposed property. He was
16 present mainly for the next discussion on short-term rentals. In looking at what was proposed, it
17 appeared to be spot zoning. Chair Bowen remarked that spot zoning was allowed under Utah
18 Code. Mr. Taylor did not think what was proposed was compatible with the neighboring
19 properties.

20
21 Mr. Scott stated that those present did not know him or what had taken place over the last few
22 months. He had never built anything that wasn't first-class. When he first purchased the
23 property he planned to develop two twin homes. The intent was to provide housing for empty
24 nesters. Everything would be accessible on the main floor without a lot of stairs. The basement
25 would feature two bedrooms and a bathroom. The idea was to have a limited amount of yard to
26 maintain and it would be professionally landscaped and maintained in a condominium
27 atmosphere. He had no intention of renting out the property and planned to live there.

28
29 (19:48:40) There were no more public comments. Chair Bowen closed the public hearing.

30
31 ***Commissioner Harwell moved to accept the amendment to the application. Commissioner***
32 ***Armstrong seconded the motion. Vote on motion: J. Thomas Bowen-Aye, Geoff Armstrong-***
33 ***Aye, JoAnn Frost-Aye, Jerri Harwell-Aye, Amy Rosevear-Aye. The motion passed.***

34
35 Commissioner Armstrong stated that he put Chadbourne out of the picture since the homes were
36 built at a time when the City wasn't so affluent. Having seen the proposed duplexes, they looked
37 like good-sized quality buildings that were nicer than any of the duplexes in the area. He
38 believed building single-family homes on the lots would certainly restrict their salability. He
39 thought the value of the homes would be questionable along Bengal Boulevard. He could
40 understand why quality duplexes would make the development of the properties much more
41 viable. Because of the quality, he could only see what was proposed as enhancing the value of
42 the area.

43
44 (19:50:44) Commissioner Frost stated that she lived in the neighborhood and wished the issue
45 was simpler. She struggled with the idea of people living on Bengal Boulevard being told that it
46 is not a desirable place to live. She believed it *was* a desirable place to live. If the three

1 proposed homes were built, it would still be a desirable place to live. She thought the issue was
2 accountability. The Commission struggled with a community that is partially accountable. She
3 believed that accountability had come from absentee landlords, which was where the neglect had
4 come from. She realized the issue was a tough one. She wanted to see accountability on this
5 parcel and homeowners that are going to live there and not rent. She was torn. She wanted to be
6 convinced that the intent was livable and that it would not deteriorate one of the most pristine
7 parcels on the east bench. She stated that recently she toured a Parade of Homes home on Creek
8 Road, another busy street, that was built for \$320 per square foot. She did not see the proposed
9 parcel being undesirable for single family and thought the property could be developed into
10 something nice.

11
12 Commissioner Rosevear asked for a formal recommendation from staff on the amended
13 application. Associate Planner, Glenn Symes, responded that because the request was still
14 consistent with the General Plan, staff still recommended approval. Commissioner Rosevear was
15 leaning toward approval of the application due to the facts. She remarked that the property
16 accessed off of Bengal Boulevard. The way it would have to be designed would make it a
17 neighborhood contained within itself. She suggested the Commission base its decision on what
18 could possibly be allowed in an R-2-8 Zone, rather than on the applicant. She stated that the City
19 Council would make a decision, whether they agree with the Commission's recommendation or
20 not. Commissioner Rosevear commented that staff had worked very hard on the General Plan
21 and it was in place for a reason. She thought there was good reasoning behind the property being
22 zoned R-2-8.

23
24 Commissioner Harwell stated she was torn and did not have a problem with duplexes being
25 developed in the proposed location. She liked the looks of the proposed building but realized it
26 was fact, despite what was being said, that it could be sold to someone else who could build
27 anything allowed in the R-2-8 Zone there. She suggested the Commission consider the overall
28 General Plan and asked Mr. Symes to indicate what other uses could be built if the change were
29 recommended.

30
31 (19:56:37) Commissioner Rosevear said she understood the citizens' concerns but had a difficult
32 time because most of the statements were not based on, or substantiated by, fact.

33
34 Mr. Symes read off the permitted uses for the R-2-8 and the R-1-8 Zones. The conditional uses
35 for both zones were the same.

36
37 Permitted uses for the R-2-8 Zone were:

38
39 single-family detached dwelling
40 accessory building customary to single-family housing
41 home occupations
42 two-family detached dwellings

43
44 Permitted uses for the R-1-8 Zone were:

45
46 single-family detached dwelling

1 accessory building customary to single-family housing
2 home occupation
3

4 Chair Bowen remarked that he did not mean to imply that Bengal Boulevard was not a great
5 place to live. He clarified that his comment was that no one would build a single-family home
6 on a lot on Bengal Boulevard now. He explained that it was not the same street it was 20 or 30
7 years ago. Dramatic changes had taken place in the City over the years. He did not think people
8 would spend a lot of money building a house facing Bengal Boulevard. That did not imply that
9 those living there were not good people and happy where they are. As far as new home
10 construction, however, an investment of substantial proportions would not be seen in a house on
11 Bengal Boulevard. It was determined that two of the proposed homes would face south and one
12 west.
13

14 Chair Bowen stated that the Commission had to look at the land use. If approved, they were
15 trusting that Mr. Scott would be honorable and do what he said he would. He remarked that the
16 Master Plan called for R-2-8. He could see that putting the parcels together would allow some
17 flexibility in what goes in there rather than just stacking homes in the area. Since the other
18 parcels had jettisoned, he thought there was much more potential benefit to the community to
19 zoning it R-2-8. He anticipated voting in favor of the application.
20

21 (20:00:43) ***Commissioner Rosevear moved to recommend approval to the City Council of the***
22 ***amended application for a re-zone from R-1-8 to R-2-8. Commissioner Harwell seconded the***
23 ***motion.***
24

25 Commissioner Rosevear thought that if citizens had issues with the R-2-8 zone, they should have
26 been addressed at the General Plan stage. She thought R-2-8 was the appropriate zoning for the
27 proposed parcels.
28

29 Commissioner Harwell thought what was proposed would be a good use. She tried to not let the
30 designs presented sway her decision. She saw no reason not to grant approval.
31

32 Commissioner Armstrong realized there had been a lot of concerns with rental properties and
33 that most of the duplexes in the area had basement apartments. He believed that what was
34 proposed certainly would not be rentals. They appeared to him to be luxury condominiums that
35 would only enhance the area.
36

37 The public was reminded that the Commission would not make the final decision. They were a
38 recommending body with the final decision to be made by the City Council.
39

40 Commissioner Frost thought the proposed change was premature and hated to see what was
41 proposed go in a direction she did not want it to. She referred to a parcel of property nearby that
42 she once owned. She could not sell it and eventually sold it back to the original owner at a loss.
43 The property still turned out fine without her. Because of that she could vote no to the request
44 and feel good about it.
45

1 *Vote on motion: J. Thomas Bowen-Aye, Geoff Armstrong-Aye, JoAnn Frost-Nay, Jerri*
2 *Harwell-Aye, Amy Rosevear-Aye. The motion passed 4-to-1.*

3
4 **3. Public Hearing – Zone Change – Garry Cannon.**

5
6 The above item was withdrawn from the agenda due to a noticing problem.
7

8 **4. Action Item – Short-Term Rental Ordinance.**
9

10 (20:07:12) Mr. Black requested that the Commission go through the ordinance tonight
11 recognizing there were minor changes to be made. The Commissioner Members would have
12 until the following Wednesday to submit comments. One week from the following Friday a new
13 draft would be published. Another meeting would be held in two weeks. He asked that
14 comments be held until that night.
15

16 Mr. Black reported that the previous week a public hearing was held on short-term rentals. Staff
17 recognized it was an issue the public was interested in based on other things taking place. A
18 brief synopsis of each section was given. He explained that the purpose of the chapter was to
19 regulate short-term rentals in the City and provide an opportunity for them to be in some areas
20 and not in others. The intent was to provide an opportunity to mitigate detrimental effects
21 through conditions on conditional uses on short-term rentals. The section was broken down
22 clearly trying to anticipate every possible scenario. He clarified that short-term rental means the
23 rental of anything in a home for 3 to 30 days. The term “bedroom” was defined and was
24 important since later on in the Code an attempt was made to limit the number of bedrooms a
25 short-term rental may have. In Section 030, a permit was required and any short-term rental
26 would have to follow the provisions of the chapter and obtain a permit before operating as a
27 short-term rental. Section 040 was reviewed dealing with the duration of short-term rentals.
28 Mr. Black explained that short-term rentals were taken out of the R-1 zone completely. They
29 were allowed as permitted uses in the RM, Mixed Use, Neighborhood Commercial, and RO
30 Zones. He remarked that the R-2 Zone was the only other zone where short-term rentals would
31 be allowed. They would be conditional uses and have to be organized in a condominium
32 association or PUD on a private street with the condominium association having no less than
33 eight units in it. It would then be presented to the Planning Commission who would have an
34 opportunity to review, approve, or deny it.
35

36 (20:13:51) Mr. Black recognized that along Bengal Boulevard there were a lot of properties
37 zoned R-2. If properties were rezoned to R-2 on any street, they would not apply under the draft
38 because they front a public street and are not organized in a condominium association. They
39 would not be allowed in any other zone.
40

41 Sections 060 and 070 were reviewed. Item 2c was referred to. Mr. Black explained that if it was
42 determined that there is a condominium association that meets all of the other requirements for a
43 short-term rental but is situated where detrimental effects to the adjoining neighborhood cannot
44 be mitigated with reasonable conditions, the request could be denied. Three specific reasons
45 were given to deny a short-term rental request. Section 080, item 5, indicated that there could be
46 no more than four bedrooms in a short-term rental. To item 6, a requirement was added stating

1 that no more cars would be allowed at the property of any short-term rental than can fit in the
2 driveway or garage. The frontage on the street could no longer be counted as parking area for
3 short-term rentals. Item number 11 was reviewed. The intent was to require every application to
4 be in compliance with all City codes or it would be returned without being processed.
5 Occupancy limits were discussed. There could be no more than 12 people of any age in any
6 short-term rental at any one time.

7
8 Mr. Black stressed that what was presented was a draft. The language addressed fines on short-
9 term rentals operating without a permit. He suggested a fine of \$500 per week be imposed. The
10 fine would continue resetting itself until the applicant comes into compliance. Previously the
11 fine was \$500 total. He suggested an applicant have three opportunities to come into compliance
12 before losing their permit.

13
14 (20:21:30) Mr. Black explained that there would only be a certain number of permitted short-
15 term rentals in the City at any one time. The current number of short-term rentals in the City was
16 identified. He suspected that number would change but he did not expect it would increase
17 significantly. He stated that there would be more discussion on the item since it was probably
18 one of the most important and regulating in the entire chapter. Mr. Black recommended the
19 Commission be careful and consult the City Attorney. He had a redraft of the section that would
20 be provided to the Commission Members. He explained that the City was trying to regulate and
21 enforce short-term rentals and suggested comments be held over until the next meeting.

22
23 Chair Bowen remarked that the Commission recognized there was a problem with short-term
24 rentals in the community. The City Council placed a moratorium on short-term rentals while
25 they considered rewriting the ordinance. That was the process the Commission was currently
26 involved in. The moratorium would run for a period of six months. Several Members of the
27 Planning Commission wanted to see all short-term rentals eventually eliminated in the City. It
28 did not appear that there was unanimous support for that on the City Council. He expected the
29 process would take longer than six months because the existing short-term rentals were entitled
30 to amortize off their use over a period of time. There were mathematics and economics involved
31 that were fairly sophisticated. He did not expect it was something that could be accomplished
32 within a six-month period.

33
34 The Commission's recommendation to staff was to come up with an ordinance that comes as
35 close as possible to what was desired, which was to ultimately eliminate short-term rentals in the
36 R-1 Zone and the free standing R-2 Zones. He anticipated that after the ordinance is sent on to
37 the City Council, they would then have staff work on another ordinance to amortize off and
38 eliminate short-term rentals entirely from the City over a period of time. Whether that would
39 pass, he did not know. He thought there was support for it on the Commission but whether there
40 was enough support to move it on to the City Council, he did not know. Ultimately the decision
41 would be made by the City Council.

42
43 (20:25:20) Chair Bowen remarked that the timeframe was to provide comments to staff by
44 Wednesday, August 8. By the end of the next week staff expected to have another draft
45 available incorporating the Commission comments. Mr. Black remarked that a public hearing
46 was held previously on the matter. He remarked that staff would keep the short-term rental

1 industry aware of any changes to the ordinance. Chair Bowen suggested another public hearing
2 be scheduled with a final draft. City Attorney, Shane Topham, remarked that the public should
3 not anticipate receiving mailed notice. It was their obligation to check the City website and
4 agendas. Chair Bowen remarked that the best way of providing one's opinions was to put them
5 in writing and submit them to the City.

6
7 Commissioner Frost was very pleased that the ordinance had come about since it would stop the
8 purchase of homes and duplexes that would be used as short-term rentals. She was aware that
9 staff had taken a lot of heat when homeowners improved their properties with the anticipation
10 that they were headed into the ski market this year with a short-term rental.

11
12 **5. Discussion Item – Wireless Telecommunication Ordinance Revision.**

13
14 (20:32:24) Mr. Black explained that the wireless telecommunications re-draft provided
15 clarification on the bond. The bond was for \$2,500 and the ordinance indicated that the bond
16 amount remained at \$2,500 and the City would do its best to inform the applicant how the money
17 was being spent.

18
19 Chair Bowen viewed the ordinance revision as a “waste” and “kissing up”.

20
21 Jerome Gourley was present representing T-Mobile. He expressed gratitude to Mr. Black and
22 staff who he believed had done a commendable job. He saw nothing in the ordinance that T-
23 Mobile could not live with. He remarked that he had had a pending application with the City for
24 nearly two years. Before Cottonwood Heights was incorporated, the County authorized the
25 construction of a 60-foot monopole at the property on 7200 South and 2300 East. About two
26 years earlier he asked for permission to enhance the area. The property was zoned PF and his
27 hope was that the City would give them the opportunity to extend the height of the monopole.
28 Mr. Black indicated that he would try to come up with a compromise that might result in a
29 positive recommendation to the Council and Mayor for approval.

30
31 (20:36:52) Mr. Gourley remarked that they conducted an exhaustive search in Cottonwood
32 Heights and still came back to the site as the best alternative. The pole already existed and was
33 considerably lower than the telephone poles running east and west along 7200 South. He hoped
34 to increase the height by 20 feet but asked for at least a compromise that would give them
35 enough to at least locate their antennas and build another tower on the Einstein property 60 feet
36 away.

37
38 Mr. Black thought the issue had already been addressed. He remarked that the City Council
39 approved the ordinance they wanted regarding height. They asked staff to modify the section on
40 reimbursement expenses. They also said that if an applicant was to prove that without putting a
41 pole at a specific height and location and that citizens would be deprived of their T-Mobile
42 service, they would discuss the possibility of amending the ordinance. He encouraged
43 Mr. Gourley to compile information showing that the proposed location was the best and only
44 possibility in order for the Council to reconsider it. He remarked that the burden of proof would
45 be on the applicant.

1 Chair Bowen stated that all comments on the ordinance needed to be submitted to Mr. Black no
2 later than the following Wednesday. It would then be scheduled for action at the next Planning
3 Commission Meeting.

4
5 **6. Action Item – Ratification of Vote for Chairman, Vice Chairman, and Secretary.**

6
7 (20:43:25) *Commissioner Armstrong moved to ratify the vote taken in January for J. Thomas*
8 *Bowen to serve as Chair, Gordon Nicholl as Vice Chair, and Michael Black as Secretary with*
9 *terms to expire the first meeting in January. Commissioner Harwell seconded the motion.*
10 *Vote on motion: J. Thomas Bowen-Aye, Geoff Armstrong-Aye, JoAnn Frost-Aye, Jerri*
11 *Harwell-Aye, Amy Rosevear-Aye. The motion passed.*

12
13 **7. Planning Director's Report.**

14
15 Mr. Black discussed Old Mill IV and stated that their one-year had expired and they had asked
16 for an extension. They had submitted plans and done work on the site but had not pulled a
17 building permit. Technically they had not shown substantial completion. He recommended the
18 Commission grant an extension based on the Code and put the matter on the next agenda.
19 Mr. Black remarked that the applicants wanted to move forward but were working out internal
20 issues.

21
22 Mr. Black made the Commissioners aware that anytime someone digs, trenches, excavates, or
23 explores a hillside they have to have a concept plan showing where they plan to excavate or
24 trench approved by the Commission before even testing for geological hazards. Mr. Black stated
25 that one applicant began trenching and staff got a lot of calls. The applicants planned to bring in
26 a site plan. The concept plan would show where they plan to trench and how they would
27 remediate. He remarked that the applicants should post a bond for remediation and have a storm
28 water protection plan in place. He remarked that the applicants still wanted to do the
29 development. He believed what was proposed was infeasible.

30
31 **8. Adjournment.**

32
33 (20:53:01) *Commissioner Frost moved to adjourn. The motion was seconded by*
34 *Commissioner Rosevear. Vote on motion: J. Thomas Bowen-Aye, Geoff Armstrong-Aye,*
35 *JoAnn Frost-Aye, Jerri Harwell-Aye, Amy Rosevear-Aye. The motion passed.*

36
37 The Planning Commission Meeting adjourned at 8:55 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the*
2 *Cottonwood Heights City Planning Commission meeting held Wednesday, August 1, 2007.*

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9 Teri Forbes
10 T Forbes Group, Inc.
11 Minutes Secretary
12
13

14 Minutes approved: 9-05-2007 sm